

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

LERAY S. GIBSON,	)	CASE NO. 5: 16 CV 1357
	)	
	)	
PLAINTIFF,	)	JUDGE SARA LIOI
	)	
	)	
vs.	)	ORDER STRIKING COMPLAINT
	)	
TIM CASEY,	)	
	)	
	)	
DEFENDANT.	)	

On August 26, 2016, this action was dismissed pursuant to 28 U.S.C. § 1915(e) after the Court determined that the plaintiff's *pro se* complaint failed to state a claim on which relief may be granted. (*See* Doc. Nos. 4, 5.) On September 12, 2016, without leave of court, the plaintiff filed a new complaint purporting to name additional defendants. (Doc. No. 6.)

After judgment has been entered, a complaint may not be amended without leave of court. *See* Fed. R. Civ. P. 15(a); *Belle v. Federal Bureau of Investigation*, 46 F. App'x 326, 327 (6th Cir. 2002). Plaintiff did not seek leave of Court to file the new complaint after judgment was entered and the case was dismissed.

Further, leave to amend a complaint under Fed. R. Civ. P. 15 is properly denied when the proposed amendment would be futile. *Miller v. Calhoun Cty.*, 408 F.3d 803, 817 (6th Cir. 2005). The plaintiff's new complaint does not cure the deficiencies the Court found in her original complaint. (*See* Doc. No. 4.) Like her original complaint, the new complaint, even liberally

construed, does not set forth allegations sufficient to support a plausible federal claim against any defendant.

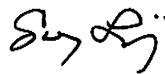
Accordingly, the plaintiff's new complaint is stricken. *See Belle*, 46 F. App'x at 327-28 (district court properly struck amended complaint filed after judgment had been entered where plaintiffs did not obtain leave of court and did not correct deficiencies in original complaint); *McDonald v. Daimler Chrysler Motors Corp.*, 23 F. App'x 393, 395-96 (6th Cir. 2001) (upholding decision to strike amended complaint after judgment was entered and case was dismissed).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

**IT IS SO ORDERED.**

September 22, 2016

Date



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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**